IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 11013 OF 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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INDRASINH SHIVSINH ZALA & ANR. - Petitioner(s)

Versus

PRINCIPAL CHIEF CONSERVATOR OF FOREST & ANR. - Respondents

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Appearance :

Shri P.H. Pathak for Petitioners.

Ms. Manisha Lavkumar, Assistant Government Pleader for Respondents.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 04/07/2007

ORAL JUDGMENT

Shri P. H. Pathak, learned Counsel for the petitioners, submits that the present petition can be disposed of in terms of the order

passed in ***Gujarat Rajya Ardh-Sarkari Audhiyogik Karmachari Sangh & Anr. vs. State of Gujarat & Anr.,*** reported in ***2005 (1) GLR 135***.

2. Ms. Manisha Lavkumar, learned Counsel for the respondent-State, concedes to the legal position.

3. The petition is disposed of with the following directions:

[a] It is open for the petitioners to approach the machinery under the Industrial Disputes Act, 1947.

[b] Accordingly, the petitioners shall approach the Conciliation Officer with respect to their claims and/or demands, for which, prayer made in the present petition in prayer Clause [B] and [C] within six weeks from the date of receipt of the copy of this order.

[c] The Conciliation Officer shall submit appropriate report within three months from the date of hearing the parties after taking into consideration their rival contentions and objections, if any.

[d] In case the failure report is drawn by the Conciliation

Officer, in that event, the appropriate Government shall take decision by passing appropriate order of making a reference, at an early date, within four weeks from the date of receipt of such failure report.

(e) The *ad interim* order granted by this Court on 24th December, 1998 shall remain in force and operation for a further period of one month from the date on which the appropriate Government takes a decision and communicate to the petitioners by registered post. It is expected of the appropriate Government to decide the matter at its earliest because the interim order granted by this Court shall operate against its interest.

Rule is made absolute to the aforesaid extent. No costs.

[R.S.Garg, J.]

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